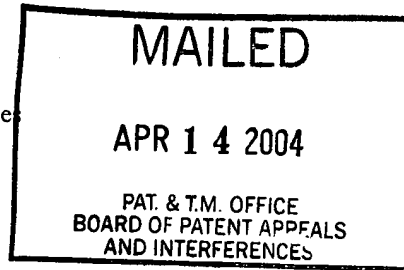


The opinion in support of the decision being
entered today is not binding precedent of the Board.

Filed by: Michael P. Tierney
Administrative Patent Judge
Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 703-308-9797
Fax: 703-305-0942



Paper 1

Filed
April 14, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ALBERTO STAMPA, PELAYO CAMPS, GLORIA RODRIGUEZ,
JORDI BOSCH and MARIA DEL CARMEN ONRUBIA
Junior Party,
(U.S. Patent No. 6,084,100
and U.S. Reissue Application No. 10/234,659)

v.

WILLIAM P. JACKSON
Senior Party,
(U.S. Application No. 09/525,894).

Patent Interference No. 105,212

NOTICE DECLARING INTERFERENCE

Part A. Declaration of interference

As originally declared, Interference No. 105,069 involved:

- (a) Stampa application 10/234,659 (seeking to reissue U.S. Patent 6,084,100) (Paper 1, page 17) and Stampa U.S. Patent 6,084,100 (Paper 1, page 18),

versus

- (b) Jackson U.S. Patent 6,093,827 (Paper 1, page 19) and Jackson application 09/525,894 (Paper 1, page 20).

To avoid even the appearance that the Board of Patent Appeals and Interferences is attempting to declare and conduct a patent versus patent interference, the 105,069 ("069") interference is being redeclared as two interferences: 1) the '069 interference; and; 2) the 105,212 interference. (See, '069 interference, Paper No. 75).

The parties are to continue filing their papers in the '069 interference. Further, all Orders entered in the '069 interference will apply to this interference unless otherwise stated. For example, the times set in the Order Setting Times, Paper No. 72 of the '069 interference, are controlling in this related interference.

Part B. Judge designated to handle the interference

Administrative Patent Judge Jameson Lee has been designated to handle the interference.

37 CFR § 1.610(a).

Part C. The parties involved in this interference are:

Junior Party

Named inventors: Alberto Stampa, Barcelona, Spain
Pelayo Camps, Barcelona, Spain
Gloria Rodriguez, Girona, Spain
Jordi Bosch, Girona, Spain
Maria Del Carmen Onrubia, Barcelona, Spain

Application: Reissue Application 10/234,659, filed September 3, 2002

Title: Process for the Preparation of Loratadine

Assignee: Medichem, S.A.

Accorded Benefit: U.S. Patent No. 6,084,100, issued July 4, 2000, based upon U.S.
Application No. 09/058,837, filed April 13, 1998
U.S. Provisional Application 60/048,083, filed May 30, 1997

Attorneys: See last page

Address: See last page

Junior Party

Named inventors: Alberto Stampa, Barcelona, Spain
Pelayo Camps, Barcelona, Spain
Gloria Rodriguez, Girona, Spain
Jordi Bosch, Girona, Spain
Maria Del Carmen Onrubia, Barcelona, Spain

Application: U.S. Patent No. 6,084,100, issued July 4, 2000, based upon U.S.
Application No. 09/058,837, filed April 13, 1998

Title: Process for the Preparation of Loratadine

Assignee: Medichem, S.A.

Accorded Benefit: U.S. Provisional Application 60/048,083, filed May 30, 1997

Attorneys: See last page

Address: See last page

Senior Party

Named inventors: William P. Jackson, Twickenham, UK

Application: U.S. Application 09/525,894, filed March 15, 2000

Title: Process for the Preparation of 10,11-Dihydro-5H-Dibenzo [A,D]
cyclohept-5-enes and Derivatives Thereof

Assignee: Rolabo S. L.

Accorded Benefit: U.S. Patent No. 6,093,827, issued July 25, 2000, based on U.S.
Application No. 09/383,078, filed August 26, 1999

PCT Application PCT/GB98/00605, filed February 26, 1997

UK Application 9703992, filed February 26, 1997

Attorneys: See last page

Address: See last page

Part D. Count and claims of the parties

Count 1

A process according to claim 17 of Jackson, U.S. Application No. 09/525,894.

The claims of the parties are:

Jackson, U.S. Application No. 09/525,894: 1-28
Stampa, U.S. Patent No. 6,084,100: 1-13
Stampa, U.S. Application No. 10/234,659: 1-18


The claims of the parties which correspond to Count 1 are:

Jackson, U.S. Application No. 09/525,894: 1-28
Stampa, U.S. Patent No. 6,084,100: 1-13
Stampa, U.S. Application No. 10/234,659: 1-18

The claims of the parties which **do not** correspond to Count 1 are:

Jackson, U.S. Application No. 09/525,894: None
Stampa, U.S. Patent No. 6,084,100: None
Stampa, U.S. Application No. 10/234,659: None

Part E. Signature of administrative patent judge


MICHAEL P. TIERNEY
Administrative Patent Judge

Date: 7/14/04
Arlington, VA
Enc:

Copy of Jackson, U.S. Application No. 09/525,894, claims 1-28
Copy of Stampa, U.S. Patent No. 6,084,100
Copy of Stampa, U.S. Application No. 10/234,659, claims 1-18

cc (via First Class Mail):

Counsel for Jackson:

Jeffrey S. Ward, Esq.
MICHAEL, BEST & FRIEDRICH, LLP
One South Pinckney Street
Suite 700
Madison, WI 5370

Tel: 608-257-3501
Fax: 608-283-2275

Counsel for Stampa:

Thomas J. Kowalski
FROMMER LAWRENCE & HAUG, LLP
745 Fifth Ave.
New York, NY 10151

Tel: 212-588-0800
Fax: 212-588-0500